UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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GOLD MEDAL PRODUCE, INC.,

Plaintiff, : 19 Civ. 4043 (LGS)

-against- : <u>ORDER</u>

HUNG DUONG, et al.,

Defendants. :

LORNA G. SCHOFIELD, District Judge:

WHEREAS, per the Amended Case Management Plan, the case is not to be tried to a jury (Dkt. No. 40);

WHEREAS, by Order at Dkt. No. 44, the parties were directed to engage in good faith settlement discussions before any motion for summary judgment. Defendants were amenable to a referral to the Court-annexed mediation program, and Plaintiff did not believe any additional settlement discussions would be productive (Dkt. No. 45);

WHEREAS, following a case management conference, Plaintiff filed its motion for summary judgment (Dkt. No. 50). It is hereby

ORDERED that by November 2, 2020, the parties shall file a letter informing the Court whether they will stipulate to a summary bench trial on the summary judgment record pursuant to Federal Rule of Civil Procedure 52(a), and if so, attaching such stipulation. *See Acuff-Rose Music, Inc. v. Jostens, Inc.*, 155 F.3d 140, 142–43 (2d Cir. 1998) (holding that a district court may decide a case by summary bench trial upon stipulation of the parties). The parties shall also inform the Court whether they are amenable to any referral for a settlement conference before the Magistrate Judge or in the Southern District of New York's mediation program.

Dated: October 30, 2020 New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE